

FAO Mr Ross Kennerley  
Natural Environment and Recreation Manager  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5NE

Ref: 04421

21<sup>th</sup> May 2015

Dear Mr Kennerley,

**Re: The South Hams District Council (Parish of Totnes) (No:916) Tree Preservation Order 2015**

**Site: Tree on verge adjacent to Victoria Court, St Katherine's Way Totnes**

**Instruction:**

I have been instructed by Mr R Scholefield of DCH to make an objective assessment and object as appropriate to the above tree preservation order (hereafter referred to as 'the order'). The objection relates to the single tree that has been identified in the order as T1.

**Summary:**

I visited the site on the 7<sup>th</sup> May 2015 and undertook a visual inspection from ground level.

The subject tree is a young Leyland Cypress (*xCupressocyparis leylandii*) growing from a narrow planting bed to the south of Victoria Court.

The objections to the Order are summarised follows:

1. Although visibly prominent, removal of the T1 would not have a significant detrimental impact upon public amenity.
2. The retention of T1 over the short and medium term will suppress and disfigure the growth of two smaller trees (Horse Chestnut and Walnut) which will have significantly greater amenity value.
3. Climate change mitigation and the interception of pollution are not appropriate measures to determine the public amenity value of an isolated single tree.
4. The location is not appropriate for the long term retention of such a large species; risks to structures, shading, domination and whole tree failure will be ongoing concerns.
5. Other trees (Horse Chestnut and Walnut) provide greater potential for long term public amenity, without the associated damage or nuisance.

6. DCH are a reasonable, proactive landowner. The decision to remove the tree was a considered one that balanced issues of arboriculture and public amenity. The planned work is consistent with good arboricultural practice and confirmation of the order is therefore not expedient in the interests of public amenity.

Note: The above objections are a summary and the full detail that support these reasons is described in the following sections.

### 1) Description:

The tree is a young multi-stemmed Leyland Cypress (*x Cupressocyparis leylandii*). It stands 17 metres tall with a radial spread of 6 metres to the north, east and south and 4 metres to the west. It has a basal diameter of 920mm. The tree shows signs of normal vigour and there is no visible evidence of significant defect, disease or disorder.

The tree grows from an established bed of soft landscaping which measures approximately 2.2 metres by 32 metres between the highway (including a pavement) to the south and the vehicle parking area at Victoria Court to the north. The bed is retained to the north by a small rendered wall measuring approximately 1 metre high (varies slightly in height), capped with two courses of red brick.



*T1- Leyland Cypress*

Immediately to the west of the Cypress trees is a young but well established Horse Chestnut tree. This tree is in good health and vigour, standing approximately 10 metres tall with no visible signs of significant defect, disease or disorder. Its growth has become slightly suppressed on its eastern side by the Cypress. To the east of the Cypress stands a young Walnut (*Juglans* spp) standing approximately 4.5 metres high with no visible signs of significant defect, disease or disorder. The bed also contains two Cotoneaster and several seedling Ash trees.

The stem of the tree stands approximately 8 metres from the southern gable end of the closest block of flats (No's 6-10) and therefore the canopy is approximately 1.5-2 metres from the building.

## **2) Criteria for making a Tree Preservation Order:**

The current Government guidance in the form of the online Guidance: **Tree Preservation Orders and Trees in Conservation Areas**, produced by Department for Communities and Local Government states that:

*Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.*

*Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.*

*The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*

*Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:*

*Size and form; Future potential as an amenity; Rarity, cultural or historic value; Contribution to, and relationship with, the landscape; and Contribution to the character or appearance of a conservation area; Other factors*

Revision date: 06 03 2014

Therefore, the Local Planning Authority (LPA) should demonstrate that the loss of the tree would have a significant negative impact on the local environment and its enjoyment by the public and that in the circumstances it is expedient to make the order.

## **3) Public Amenity**

### Visibility

The position is a prominent one, where many passers-by (vehicular and pedestrian traffic) are likely to appreciate a trees contribution to the local landscape.

Being the largest tree one might perceive T1 to be the most valuable, but balanced alongside size, one should consider characteristics such as life expectancy, future growth, suitability to the setting, the presence of other trees and other less tangible measures of attractiveness such as architecture and seasonal variations.

To my mind the value of the T1 ought to be measured primarily against its visual amenity. Whilst the tree is prominent, it is rather bland in terms of its form, texture and colour, with no variation throughout the year. Its value is in my view modest.

In contrast, both the Horse Chestnut and the Walnut will develop into attractive features that are likely to be appreciated throughout the year and for many decades to come, without the associated problems of a very large species.

### Pollution and Climate Change Mitigation

I note the expressed interest from Parish Councillors about the potential of the tree to store carbon and intercept of particulate pollution. These are undoubtedly advantages of maintaining a healthy population of trees in towns, however, whilst the carbon storage capabilities of forests (including urban forests) is important, the impact of one individual tree over another is not significant. Away from particulate pollution 'hot spots'\* the interception benefits of a tree is unlikely to be significant.

\*Trees are particularly beneficial as interceptors of particulate pollution at 'hot spots' where the receptor is close to the source of emissions; frequently first floor windows immediately adjacent to a section of congested (often static but running vehicles) highway.

Without appropriate metrics or comparisons both benefits are difficult to substantiate and are liable to being overstated. It is not in my view an amenity that warrants a single tree being protection by a tree preservation order.

### Size, Future Growth and Life Expectancy

I estimate the age of the tree to be in the region of 25 years. I anticipate a life expectancy in excess of 100 years and mature dimensions exceeding 30 metres (100 feet) high and 10 metres radial spread. It is very likely that the tree will be removed long before its natural life span is complete.

### Suitability

T1 is not well suited to its position.



Regarding the nearby structures, there are visible signs of damage to the retaining wall, although without excavation these cannot be attributed to the expansion of the tree roots. Table A.1 of the British Standard (BS 5837 Trees in Relation to Design Demolition and Construction – Recommendations) recommends minimum distances between young trees and structures to avoid direct damage from future growth. For trees with an ultimate stem diameter exceeding 600mm, lightly loaded structures should be positioned a minimum of 1.5 metres from the centre of the tree. In this case the Cypress is located approximately 90 cm from the internal face of the wall. It is likely that the retaining wall will ultimately be displaced by the enlargement of stem and buttress roots through secondary thickening. The existing cracks to the wall, however caused, will have already reduced the structural support which it provides; further damage or collapse will exacerbate this problem and necessitate the removal of the tree.

Whilst it is not possible from visual inspection to determine the extent of the root system of T1 it is feasible that it has been constrained within the confines of the planting bed. This poses a risk of whole tree failure during strong winds. DCH has had recent experiences with a Cypress tree having failed, where the root systems had become 'socketed' within a planting station (see picture below).



The picture evidences the low shear stress between the edge of the root plate and the root barrier formed by the foundation of the boundary wall.

Whole tree failure risks causing damage to the property, parked cars, passing traffic, injury to passers-by and some significant inconvenience.

Damage from future growth can be avoided by pruning, however this will become increasingly onerous and costly as the tree grows towards its mature dimensions and further highlights the tree's poor suitability for this site.

At maturity the Cypress will dominate the southern aspect of the site and cast significant shade towards the building and the open space between the two blocks of flats. Increased shading will have an adverse impact on light levels within the flats. Residents may also consider a 30m high tree to pose an unacceptable risk.

A tree with such mature dimensions is appropriate to a park or large garden, but is not well suited to such a constrained position close to the centre of a town.

The retention of the tree to date might have been a reasonable short term measure to create an impact upon the local landscape. However, its presence now has distinct disadvantages that will worsen over time.

#### Presence of Other Trees

The young Horse Chestnut and Walnut are both fine specimens. In the absence of the Cypress tree both are likely to be viewed as important elements of the street scene, with ample space to develop as feature trees.



Horse Chestnut



Walnut

The Horse Chestnut is currently being suppressed on its eastern side by the Cypress. Horse Chestnut do not tolerate shade and if the Cypress is retained it will become so suppressed as to be spoilt as an amenity feature. The opportunity exists at present to remove the Cypress to enable the Horse Chestnut to re-develop a symmetrical form. The Walnut is not as yet affected, but will in due course become suppressed.

#### Attractiveness

Attractiveness is a subjective measure, however shape, colour, texture and seasonal variation are all relevant indicators that T1 does not compare favourably with. I am confident that most observers find the future amenity value of the Horse Chestnut and Walnut to be significantly greater than T1.

#### **4) Expediency**

It is the intension of DCH to fell the Leyland Cypress in favour of the adjacent Chestnut and Walnut. Removal would therefore benefit the amenities of both the local residents and the public.

The guidance: **Tree Preservation Orders and Trees in Conservation Areas** states that:

*Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.*

In this case the decision to fell the tree was taken as a measured one, consistent with good arboricultural practice and as such statutory protection is not expedient.

#### **5) Conclusions:**

1 My client recognises and supports the principle of planting and retaining trees in the interests of both public and private amenity. They manage a large holding of land which include many trees that are reasonably managed to balance risk, amenity, nuisance and cost. In this case the costs of removing the trees is warranted because of the immediate and long term disadvantages posed by retention.

2 The Cypress is not well suited to being retained in this position and will become an increasing inconvenience to the nearby residents. Risk of failure will increase as the size of the tree

increases as will the likelihood of damage the retaining wall. The overriding consideration is arboricultural good management, and whilst management decisions are frequently a balance of competing interests, it is very clear in this case that the benefits to the two superior specimens either side, take precedent over the modest amenity value of T1.

3 It is my firm view that the Cypress ought to be felled and that it would not be expedient in the interests of public amenity to confirm 'the order'.

Yours sincerely,

Simon Proctor

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